

**BUFFALO COUNTY BOARD OF SUPERVISORS
BUFFALO COUNTY BOARD OF EQUALIZATION
TUESDAY, OCTOBER 13, 2009
9:00 A.M.**

The Buffalo County Board of Supervisors and the Buffalo County Board of Equalization met on Tuesday, October 13, 2009 at 9:00 A.M. and 10:15 A.M. Chairman Pierce called the meeting to order and led those present in the Pledge of Allegiance. The following Board members responded to roll call: Horace Dannehl, Ivan Klein, Timothy Loewenstein, William McMullen, Sherry Morrow and Richard Pierce. Kent Greder arrived at 9:05 A.M. Chairman Pierce announced that in accordance with Section 84-1412 of the Nebraska Revised Statutes, a current copy of the Open Meetings Act is available for review and is posted at the back of the Board Room.

Posting and publishing gave notice of the meetings in advance, thereof. Notice of the meetings was simultaneously given to all members of both Boards; and availability of the agenda was communicated in the advance notice and in the notice to both Boards of this meeting. Said agenda was also furnished to all area news media. A copy of the acknowledgment and receipt of notice and agenda by the Board members is attached to these minutes. County Clerk Janice Giffin took all proceedings hereinafter shown while said meeting was open to the public. County Attorney Shawn Eatherton was present.

Chairman Pierce called for Citizen's forum and no one was present to address the Board.

CONSENT AGENDA

Chairman Pierce inquired if there was anything which needed to be removed from the Consent agenda. There was nothing to be removed therefore; Chairman Pierce declared the General County Business listed below approved without further hearing.

GENERAL COUNTY BUSINESS

1. Approve September 22, 2009 Minutes
2. Accept reports
 - Buffalo County Treasurer September 2009 Fund Balance Report
 - Buffalo County Detention Center for September 2009
 - Veteran's Service August and September 2009 Reports

JUSTICE CENTER PROJECT

Bill Barritt from Beckenhauer Construction was present for updated reports and discussion of the Justice Center Project. Barritt reviewed the Change Orders that were sent out prior to the meeting. Moved by Dannehl and seconded by Morrow to approve Change Order Requests 43, 45, 46, 47, 48, 49, 50, 52 and 53 of the Phase 1B Project. Upon roll call vote, the following Board members voted "Aye": Dannehl, Morrow, Greder, Klein, Loewenstein, McMullen and Pierce. Motion declared carried.

REGULAR AGENDA

Chairman Pierce reviewed the following correspondence with the Board. The Board received an invitation to the Board of Public Roads Classifications and Standards' annual meeting in Grand Island. NIRMA sent the Quarterly loss reports. Nebraska Association of County Officials (NACO) sent the election procedures for voting for NACO Officers. An invitation was received for the annual 4-H Recognition Banquet. Central Platte Natural Resources District, Buffalo County Community Partners and the USDA Nebraska Farm Service Agency newsletters were received. Information was received on webcasting public meetings. Novus Solutions sent information on federal and state grants for energy efficiency upgrades. Cleaning Solutions of Kearney sent an introduction to their business. Nebraska Department of Roads sent the 2008 Annual Traffic Crash Facts. Nebraska Department of Environmental Quality sent the proposed change for Nebraska ILS Feeders, Inc. Chairman Pierce then called on each Board member for the various committee reports and recommendations.

Supervisor McMullen reported that the committee appointed by the Chairman met with Jon Krebs, Executive Director of the Economic Development Council to discuss Recovery Zone Bonds and Facility Bonds. Also addressing the Board were Grady Koch, Al Simmons, Roger Jasnoch and Brad Kernick. Moved by McMullen and seconded by Loewenstein to authorize Chairman Pierce to sign a letter of intent to issue Recovery Zone Bonds and Facility Bonds. Upon roll call vote, the following Board members voted "Aye": McMullen, Loewenstein, Dannehl, Greder, Klein, Morrow and Pierce. Motion declared carried.

County Attorney Shawn Eatherton presented a copy of an Equal Employment Affirmative Action Plan. Eatherton recommended that the Board adopt this plan and review it annually. A copy of this plan is available in the County Clerk's office. Moved by Klein and seconded by McMullen to adopt the Equal Employment Affirmative Action Plan. Upon roll call vote, the following Board members voted "Aye": Klein, McMullen, Dannehl, Greder, Loewenstein, Morrow and Pierce. Motion declared carried.

County Clerk Janice Giffin noted that the final levy allocation Resolution 2009-53 needed to be amended for clean up purposes. The levy allocations were calculated correctly but the property tax request indicated on some the political subdivisions were inaccurately recorded on the Resolution copy. Moved by Greder and seconded by Loewenstein to approve the following Resolution 2009-53A to amend the Resolution passed on August 25, 2009. Upon roll call vote, the following Board members voted "Aye": Greder, Loewenstein, Dannehl, Klein, McMullen, Morrow and Pierce. Motion declared carried.

RESOLUTION 2009-53A

BE IT RESOLVED BY THE BUFFALO COUNTY BOARD OF SUPERVISORS, with a full				
Board (or quorum) present, that the amounts set forth in the Fiscal Year Budget for Buffalo				
County, commencing July 1, 2009 and ending June 30, 2010, and appropriated for the				
following political subdivisions, hereby are approved for final levy allocation, to-wit:				
POLITICAL SUBDIVISIONS	PERSONAL AND REAL PROPERTY TAX REQUEST	TAX REQUEST SUBJECT TO LEVY LIMIT	CALCULATED LEVY SUBJECT TO LEVY LIMIT	TOTAL LEVY
TOWNSHIPS				
ARMADA	4,324.00	4,324.00	0.020231	0.020231
BEAVER	2,983.33	2,983.33	0.010549	0.010549
CEDAR	6,780.00	6,780.00	0.024275	0.024275
CENTER	11,000.00	11,000.00	0.004594	0.004594
CHERRY CREEK	3,371.00	3,371.00	0.011104	0.011104
COLLINS	0.00	0.00	-	-
DIVIDE	8,451.38	8,451.38	0.016048	0.016048
ELM CREEK	42,000.00	42,000.00	0.045969	0.045969
GARDNER	9,680.00	9,680.00	0.040990	0.040990
GARFIELD	2,263.00	2,263.00	0.006300	0.006300
GIBBON	36,577.08	36,577.08	0.050668	0.050668
GRANT	8,379.00	8,379.00	0.021704	0.021704
HARRISON	5,148.78	5,148.78	0.022302	0.022302
LOGAN	7,228.15	7,228.15	0.040654	0.040654
LOUP	3,293.83	3,293.83	0.007604	0.007604
ODESSA	4,840.45	4,840.45	0.008181	0.008181
PLATTE	1,798.48	1,798.48	0.005841	0.005841
RIVERDALE	3,155.41	3,155.41	0.002307	0.002307
RUSCO	2,640.00	2,640.00	0.008306	0.008306
SARTORIA	963.00	963.00	0.005318	0.005318
SCHNEIDER	3,241.00	3,241.00	0.010793	0.010793
SCOTT	7,541.00	7,541.00	0.034249	0.034249
SHARON	15,258.61	15,258.61	0.038334	0.038334
SHELTON	49,131.45	49,131.45	0.057374	0.057374
THORNTON	6,145.55	6,145.55	0.019745	0.019745
VALLEY	3,061.22	3,061.22	0.010926	0.010926
FIRE DISTRICTS				

SUBURBAN #1	297,683.67	297,683.67	0.042650	0.042650
GIBBON #2	36,635.00	36,635.00	0.020525	0.020525
SHELTON #3			Figured by Hall County	
PLEASANTON #4	44,829.20	18,073.64	0.015643	0.038799
RAVENNA #5	32,992.40	13,925.00	0.006931	0.016422
MILLER #6	24,969.20	24,969.20	0.026898	0.026898
ELM CREEK #7	73,500.00	33,500.00	0.019698	0.043218
AMHERST #8	26,273.65	26,273.65	0.062531	0.062531
BUFFALO COUNTY AGRICULTURAL SOCIETY	641,465.00	641,465.00	0.020482	0.020482

Moved by Morrow and seconded by Greder to approve the tax refund request submitted by County Treasurer Jean Sidwell for Robert and Melva Goldenstein in the amount of \$126.82. Upon roll call vote, the following Board members voted "Aye": Morrow, Greder, Dannehl, Klein, Loewenstein, McMullen and Pierce.

Moved by Morrow and seconded by Klein approve lower tax asking from Armada Township, Cherry Creek Township, Harrison Township, Miller Fire District 6 and Amherst Fire District 8. Upon roll call vote, the following Board members voted "Aye": Morrow, Klein, Dannehl, Greder, Loewenstein, McMullen and Pierce.

Moved by McMullen and seconded by Dannehl to set the date of the next public auction of surplus property at the October 27, 2009 Board meeting. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein, Morrow and Pierce.

Moved by Loewenstein and seconded by McMullen to accept the Statewide Courthouse Challenge from Adams County for a food drive of non-perishable items to be donated to the local food pantry. Employees will be asked to donate from November 1 through November 20 and December 1 through December 18. Details will be worked out by the County Clerk. Upon roll call vote, the following Board members voted "Aye": Loewenstein, McMullen, Dannehl, Greder, Klein, Morrow and Pierce.

Moved by McMullen and seconded by Klein authorize Chairman Pierce to sign the Certification Statement of the Cost Allocation plan prepared by Maximus. Upon roll call vote, the following Board members voted "Aye": McMullen, Klein, Dannehl, Greder, Loewenstein, Morrow and Pierce.

Discussion followed about the usage of the County Seal. No action was taken and this will be discussed again at the next meeting.

Emergency Manager Darrin Lewis submitted a proposal for additional wiring for the operation of all the Equipment and Technology within the Emergency Operation Center. Moved by Loewenstein and seconded by Dannehl to authorize Wilmar Electric Service who has been awarded the original contract of the Justice Center to complete the Emergency Operations Center (EOC) wiring with a change request that will be paid through grant funds. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, McMullen, Morrow and Pierce.

County Sheriff Neil Miller submitted an Inmate Telephone Request for Proposal (RFP) for the new Detention Center. Moved by Loewenstein and seconded by Dannehl to approve the Request for Proposal (RFP) submitted. All responses are due on October 20th at 3:00 P.M. and a decision will be made on the October 27, 2009 Board meeting. Upon roll call vote, the following Board members voted "Aye": Loewenstein, Dannehl, Greder, Klein, McMullen, Morrow and Pierce.

Moved by McMullen and seconded by Dannehl to recess the regular meeting of the Board of Supervisors at 10:26 A.M. and reconvene as a Board of Equalization. Upon voice vote all Board Members present voted “Aye”. None voted “Nay”. Motion declared carried.

BOARD OF EQUALIZATION

Chairman Pierce called the Board of Equalization to order in open session. County Assessor Joe Woodward and County Treasurer Jean Sidwell were present.

Moved by McMullen and seconded by Dannehl to approve tax list corrections 3628 through 3635 as submitted by County Assessor Joe Woodward. Upon roll call vote, the following Board members voted "Aye": McMullen, Dannehl, Greder, Klein, Loewenstein, Morrow and Pierce. None voted "Nay". Motion declared carried.

Chairman Pierce opened the public hearing at 10:29 A.M for the Notice of Real Estate Valuation Changes for the following: Robert W & Melva Goldenstein parcel number 603907152; P.L.M. General Partnership parcel number 660077000; Darlene Poulson parcel number 602179317; Richard H and Jean Reed parcel number 603907151; Ignacia Inclan Rodriquez parcel number 600741000; Daniel & Kathryn Zinnel parcel number 560325005. Present at the hearing were John Rodriguez for his father Ignacia Inclan

Rodriquez and Jean Reed. Chairman Pierce closed the public hearing at 10:38 A.M. Moved by Greder and seconded by Morrow to approve the Real Estate Valuation Changes as indicated by Woodward on all of the above listed parcels. Upon roll call vote, the following Board members voted “Aye”: Greder, Morrow, Dannehl, Klein, Loewenstein, McMullen and Pierce. None voted “Nay”. Motion declared carried.

Moved by Loewenstein and seconded by McMullen to approve Motor Vehicle Tax Exemption application for Community Action Partnership on a 2009 Middlebury trailer and a 2009 Chevrolet Cobalt. Upon roll call vote, the following Board members voted “Aye”: Loewenstein, McMullen, Dannehl, Greder, Klein and Morrow. Abstain: Pierce. None voted “Nay”. Motion declared carried.

Moved by Klein and seconded by Morrow to approve the following Resolution 2009-61 presented by County Clerk Janice Giffin to set property tax rates for 2009. Upon roll call vote, the following Board members voted “Aye”: Klein, Morrow, Dannehl, Greder, Loewenstein, McMullen and Pierce. Motion declared carried

RESOLUTION 2009-61

			PROPERTY TAX RATES 2009-2010					
COUNTY FUNDS		LEVY						
GENERAL		0.373068						
DEBT SERVICE		0.055507						
VETERAN'S AID		0.000886						
TOTAL		0.429461						

					OFF-STREET PARKING		STREET	COMM.REDE AUTHORITY
CITY/VILLAGE	GENERAL	BOND						
AMHERST	0.115541						0.305893	
ELM CREEK	0.500000							
GIBBON	0.350000	0.167000						
KEARNEY	0.124343	0.024527			0.185522			0.008314
MILLER	0.497914							
PLEASANTON	0.409529	0.112321						
RAVENNA	0.460000							
RIVERDALE	0.125788							
SHELTON	0.499999	0.421140						

TOWNSHIP	GENERAL				TOWNSHIP		GENERAL	
ARMADA	0.020119				LOGAN		0.029356	
BEAVER	0.010549				LOUP		0.007604	
CEDAR	0.024275				ODESSA		0.008181	
CENTER	0.004594				PLATTE		0.005841	
CHERRY CREEK	0.004567				RIVERDALE		0.002307	
COLLINS	0.000000				RUSCO		0.008306	
DIVIDE	0.016048				SARTORIA		0.005318	
ELM CREEK	0.045969				SCHNEIDER		0.010793	
GARDNER	0.040990				SCOTT		0.034249	
GARFIELD	0.006300				SHARON		0.038334	
GIBBON	0.050668				SHELTON		0.057374	
GRANT	0.021704				THORNTON		0.019745	
HARRISON	0.012676				VALLEY		0.010926	

SCHOOL DISTRICTS								
						QUALIFIED	SPECIAL	
DISTRICT	NO.	GENERAL	BOND	K-12 Bond	9-12 Bond	CAPITAL	BUILDING	
GIBBON	2	0.950029	0.345112					
KEARNEY	7	1.105452		0.054942	0.125281		0.069224	
ELM CREEK	9	0.969573		0.177342	0.171926			
SHELTON	19	1.039999	0.097756				0.009999	
RAVENNA	69	0.980819	0.055140			0.030129	0.033476	
PLEASANTON	R105	1.173139	0.176965				0.019689	
AMHERST	119	0.965296		0.242162	0.104089		0.024516	
CENTURA	100	set by Hall County						
SEM	101	set by Dawson County						
CUSTER COUNTY	44	set by Custer County						

FIRE DISTRICTS	GENERAL	SINKING			BOND			
SUBURBAN #1	0.028466	0.014184						

GIBBON #2	0.020525						
SHELTON #3	Set by Hall County						
PLEASANTON #4	0.013007	0.002636			0.023156		
RAVENNA #5	0.006931				0.008870		
MILLER #6	0.025854						
ELM CREEK #7	0.019698				0.023520		
AMHERST #8	0.057604						

SANITARY IMPROVEMENT DISTRICT							
DISTRICT	GENERAL						
NO 3	0.309188						

NATURAL RESOURCES DISTRICTS							
DISTRICT	GENERAL	SINKING					
CENTRAL PLATTE	Set by Hall County						
LOWER LOUP	Set by Platte County						

EDUCATIONAL SERVICE UNIT NO 10							
GENERAL							
Set by Hall County							

BUFFALO COUNTY AGRICULTURAL SOCIETY							
GENERAL	0.010403	SINKING	0.010078				

CENTRAL NEBRASKA COMMUNITY TECHNICAL COLLEGE							
GENERAL	CAPITAL IMPROVEMENTS						
Set by Hall County							

Moved by Dannehl and seconded by Klein to return to the regular meeting at 10:42 A.M. Upon voice vote all Board Members present voted “Aye”. None voted “Nay”. Motion declared carried. Supervisors McMullen and Dannehl excused themselves at 10:45 A.M. to start the preparations for the Employee Appreciation Lunch.

ZONING

Chairman Pierce opened the public hearing for a Zoning Map Amendment at 11:00 A.M. Deputy County Attorney Andrew Hoffmeister and Zoning Administrator LeAnn Klein were present. Deputy County Attorney Andrew Hoffmeister reviewed the application and noted that a protest had been formally filed with the County Clerk. Gary Day submitted a request for a zoning map amendment for Lot 86, Village of Odessa, Buffalo County, Nebraska from Agricultural-Residential to Commercial. Applicant Gary Day and his wife Tamara Day were present. Wayne Woodside and Pat Woodside spoke in favor of the Zoning Map Amendment. (Wayne Woodside is also employed by Day.) Bev Refior was present and spoke against the Zoning Map Amendment. Exhibits received were Exhibit 1, Report from Zoning Administrator Klein; Exhibit 2, materials presented by Day; and Exhibit 3, materials submitted by Refior. Chairman Pierce closed the public hearing at 11:57 A.M. and announced that the materials presented will be reviewed and a decision will be made at the October 27, 2009 Board meeting.

At 11:58 A.M. Chairman Pierce asked if there was anything else to come before the Board before he declared the meeting adjourned until Tuesday, October 27, 2009 at 9:00 A.M. Chairman Pierce instructed County Clerk Janice Giffin to publish notice for the same according to Nebraska law.